

RONNIE SUE LEITH, M.D., Ph.D.
CHILD AND ADULT PSYCHIATRISTS OF THE PENINSULA
177 BOVET ROAD, SUITE 545
SAN MATEO, CALIFORNIA 94402-3121
TELEPHONE (650) 212-7756
FAX (650) 212-7754

EXHIBIT

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3 January 2008

Michael A. Nichols, Esq.
510 South Mathilda Avenue, Suite 8
Sunnyvale, California 94086

Re: Mark Zelinsky
d.o.b. 12-12-50

Dear Mr. Nichols,

I am writing this letter at the request of my patient, Mr. Mark Zelinsky, who has given me written permission to communicate this information to you.

Mr. Zelinsky contacted me on October 8, 2007, to request psychiatric treatment. I saw him for an initial evaluation on October 12, 2007, and have seen him on a weekly basis for 50-minute psychotherapy sessions since then. His initial complaints were anxiety and depression, related to his indictment on charges of possessing child pornography. He also expressed a desire "to find out why [I] did it". Over the three months that I have been seeing him, Mr. Zelinsky's symptoms have worsened. He describes nausea, loss of appetite, difficulty concentrating, difficulty falling asleep and early-morning awakening, obsessive worries about what will happen to him, and occasional anxiety attacks. He has consistently denied suicidal ideation or impulses. On December 12, 2007, I started him on the antidepressant fluoxetine, which he is now taking at a dose of 20 milligrams per day.

Mr. Zelinsky has attended his appointments regularly and has been open in talking about himself, although he is clearly anxious about the relationship with me. Based upon what he has told me, it is my opinion that he is a sexually naïve man who accidentally stumbled across a pornographic Website and was intrigued by what he saw – much like a young teenaged boy who comes across a stash of Playboy magazines. Mr. Zelinsky said that he had little to do at work, and he was "bored and horny". He was amazed at the availability of the pornography, and followed links from one Website to another, indiscriminately viewing all kinds of nudity and sexual activity. He knew that it was wrong to be doing this on government computers; but he had no idea that the content of the images was itself illegal – "they were just pictures!" He told me that he had had only one actual sexual contact, many years previously, with an adult female prostitute. His only close emotional relationship has been with his mother, with whom he has lived for

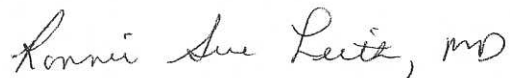
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22 years. His social life consists of playing board games with family members one night a week, and occasionally competing in tournaments at a tennis club. Mr. Zelinsky told me emphatically that he never would have "gotten addicted" to the pornography, if he knew the trouble it would bring him; and he has stated fervently that he would never do it again.

I see Mr. Zelinsky as an emotionally underdeveloped, socially inept man. Relating to other people makes him extremely anxious. He has dealt with this anxiety in two ways: firstly, by remaining emotionally dependent upon his mother; and secondly, by avoiding social interactions as far as possible. As a result, he has withdrawn into a reclusive life at home with his mother, with no significant outside activities or relationships. I believe that the pornography allowed him to "peek" at an aspect of human interaction that he feels he can never experience in reality. The consequences of his actions now threaten to destroy the security of the lifestyle he has created for himself. As a result, he has developed significant symptoms of anxiety and depression. I have given him an Axis I diagnosis of Adjustment Disorder With Mixed Anxiety and Depressed Mood (DSM-IV 309.28), and an Axis II diagnosis of Avoidant Personality Disorder (DSM-IV 301.82).

I hope that this information will be helpful to you. If you have questions or desire clarification of any point, please feel free to call me.

Sincerely,

A handwritten signature in cursive script that reads "Ronnie Sue Leith, MD". The signature is written in dark ink and is positioned below the word "Sincerely,".

Ronnie Sue Leith, M.D.